

AN EXPERIMENT IN COMMUNISM,

AND

ITS RESULTS:

A LETTER TO

THE RIGHT HONORABLE THE EARL OF CARNARVON,

SECRETARY OF STATE FOR THE COLONIES,

ON THE

PRINCE EDWARD ISLAND LAND COMMISSION,

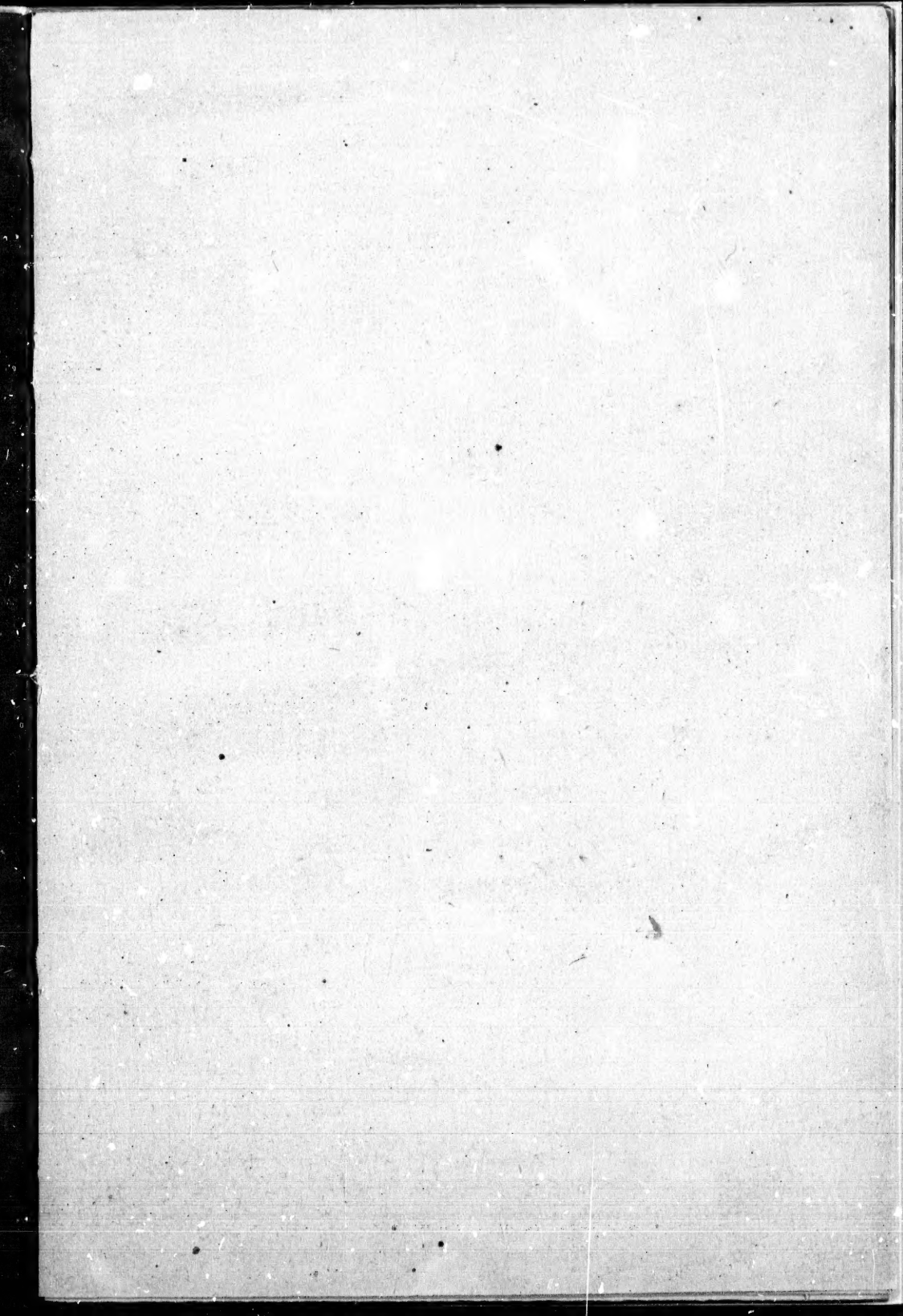
BY

JAMES F. MONTGOMERY.

CHARLOTTETOWN:

BREMNER BROTHERS, PRINTERS, 44 QUEEN STREET.

1875.



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PREFACE.

THE following letter has been printed for circulation, as the subject of it is of great interest to a large number of proprietors in this island, as well as to all owners of real property throughout the Empire.

The Commission referred to in this letter consisted of the Right Honorable Hugh C. E. Childers, the nominee of the Dominion Government, John T. Jenkins, Esquire, M. P. P., who was appointed by the Island government, and Robert G. Haliburton, Esquire, the representative of the proprietors, who in the more important cases, declined to join in the awards.

J. F. M.

THE PRINCE EDWARD ISLAND LAND COMMISSION.

To the Right Honorable

The Earl of Carnarvon,

Secretary of State for the Colonies.

MY LORD:

In 1874 your Lordship's attention was drawn to "The Land Purchase Bill," which passed through the Legislature here, and to which your Lordship instructed Lord Dufferin to refuse the Royal assent on the ground of its being a violation of the rights of property. No one here,—not even those who passed the Bill of 1875,—had the slightest idea that it would receive Lord Dufferin's assent. Our conviction that as long as we remained British subjects we should be safe from anything like confiscation of our estates, and the very proper and firm stand your Lordship took last year, threw us completely off our guard; while the unprecedented haste with which this act was assented to (several months before the rest of the acts of the session received assent) was designed by the Canadian authorities to deprive the land-owners of this Island of the opportunity of appealing to her Majesty against an act which was even a greater outrage on law and justice than that which your Lordship had so strongly denounced in 1874. Even when a request was made that we should be heard before Lord Dufferin's

Privy Council by counsel, a hearing was denied to us. Nor was this violation of all precedent, and of our rights as British subjects the end of the extraordinary excesses to which class legislation has been suffered to go in this case. The first intimation that the act had received the royal assent, which was received by some of the proprietors in Great Britain and in this Island, was the announcement that Mr. Childers had left England as a commissioner to dispose of their property. We were suddenly called upon to appear before an inquisitorial court, to answer to any and every technical or other question that could be raised from quit rents, escheat, fishery reserves, etc. Ancient and, as we supposed, obsolete questions, which, so far as the law of the land, and the good faith of the Crown could settle them, were long ago disposed of and buried, were dug up and brought into life. Everything that could tell against us was utilized; we were even made to suffer for the folly of which the colonial office was guilty more than a century ago, and which your Lordship recently described as the source of all this trouble. One thing is clear: the present owners of land here are perfectly innocent of any offence. It would be an insult to Her Majesty's Government to assume that they share in the communistic views of some of the radical section of the Liberal party, that *property in land is a crime against society*. Yet, this is the very basis of this act of spoliation, and is "the head and front of our offending." To own more than a thousand acres of land is not tolerated by this act, nor can any one own over 500 acres if it is held by tenants.

There is even reason to fear that the unfortunate proprietor, under this act, not only loses the excess over the

amount specified, but also every foot of his property, and that he is liable to be deprived of his homestead, and to be turned out of house and home.

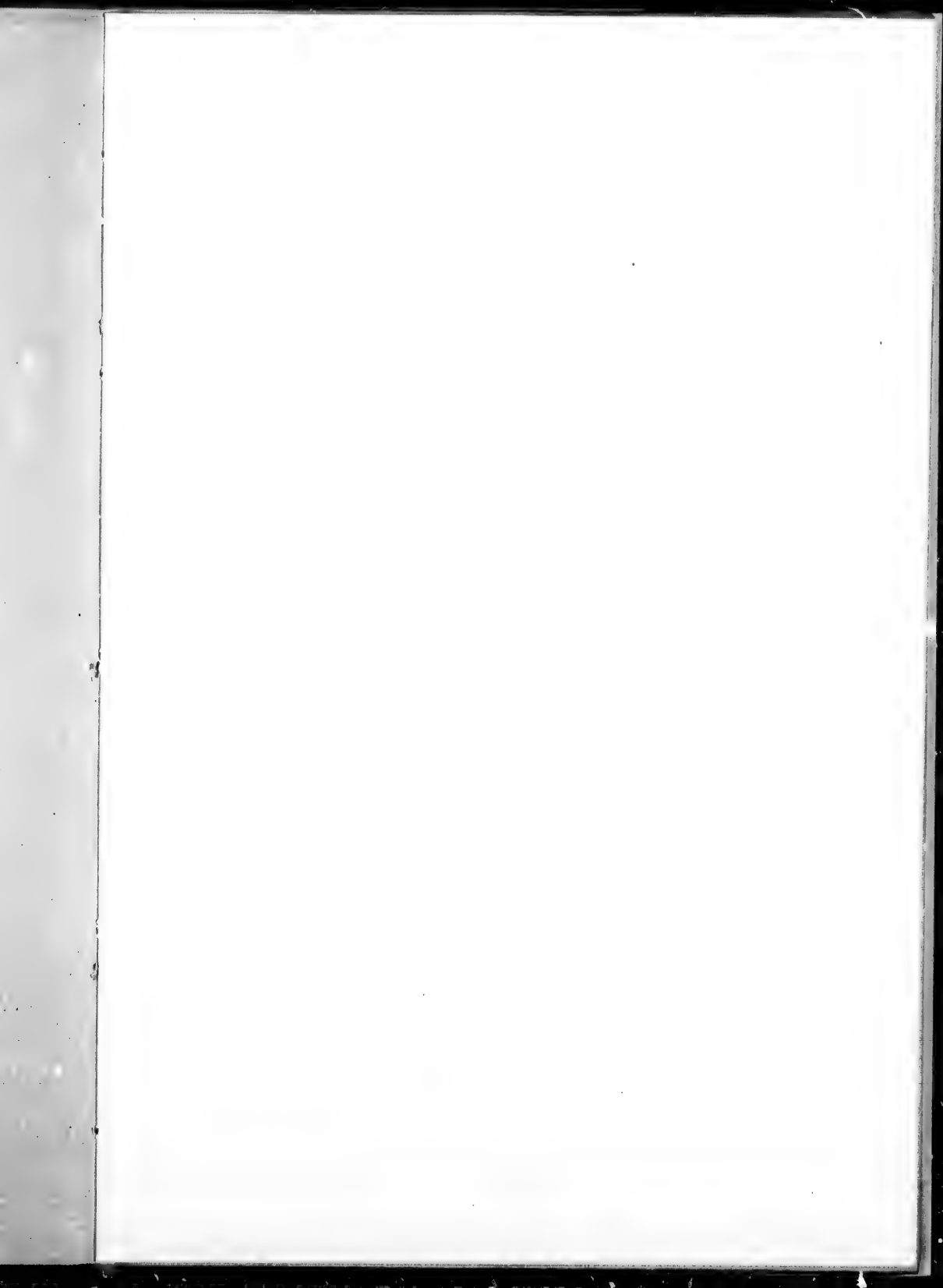
Your Lordship, as a landlord, must be aware that tenants in England frequently pay one-third of the proceeds of their farms as rent, or 33 $\frac{1}{3}$ per cent. Ours pay only one-sixtieth of that amount, or a merely nominal rent charge of from one-third to one-half of one per cent. English land-owners give short leases; ours are nearly all for 999 years. English tenants are restricted from assigning their leases. With us, leases can practically be disposed of as easily as goods or chattels. Hundreds of acres are kept idle and unproductive in England; and the working classes are claiming, not without reason, that they should not be driven out of England, because red deer are more valued by English land-owners than the yeomanry of the country. No one can pretend for an instant to hint at such a charge against us. Not an acre is kept idle. Any person wishing to rent wild land, can go from one end of the Island to the other, and select whatever lot he prefers for his farm. There may be cases of oppression in Great Britain, as respects the owners and occupiers of land. Not a solitary instance in the whole history of the Island has been found of such hardship or oppression. The result of the system has been an amount of progress and prosperity in this Island, unequalled in any part of British America. The population of Ontario per square mile is 17; here it is 44. The revenue per head in Ontario is 4s. 10d.; here it is £1 3s. 4d.

The secret, then, of this utterly uncalled for piece of spoliation is to be found in the fact that the Leg-

islature is returned by, and avowedly represents the tenantry; and that the cheapest mode of buying political support is to preach a crusade against the rights of property.

Even our forbearance and liberality have been turned against us. In a time of scarcity, we accepted one shilling, Island currency, with one-ninth added, in lieu of one shilling sterling. An act was passed, declaring that one shilling sterling should be valued at one shilling Island currency with one-ninth added, a statute which confiscated one-fourth of our property. Year after year, acts of spoliation were passed in the Legislature, and the press and the hustings were devoted to creating an agitation against us. From 1852 to the present, nearly 300 days (or a working year) have been devoted by the Legislature to this favorite theme, while class legislation has closed the courts against us, and made the collection of arrears as distasteful and as difficult as possible.

In 1860 several of us most unwisely agreed to the proposal of the British Government that a Royal Commission should settle the existing questions between landlord and tenant. Its suggestions were carried out in 1864, and the Land Purchase Act of 1864 was passed, by which we gave up many thousands of pounds of arrears to buy peace, and to settle forever all questions or disputes as to our property. The present act is a glaring violation of that compact. Once more our generosity has been turned against us. Those proprietors who refused to remit arrears, and who capitalized them by a proportionate increase of rent, have reaped the benefit by having their interest valued by the increased rent. We, who relying on the good faith of the crown,





remitted arrears, have not only lost the amount of them, but have also had our property depreciated by our not having increased our rent which appears to have been the basis of valuation.

Hitherto we have heard a good deal of the blessings of the British Constitution. Such an outrage as that from which we have suffered, had this country been annexed to the United States, would have been an impossibility under the American Constitution. The present act is probably the first on record that has made leniency on the part of a creditor a penal offence, and that has recognized and rewarded dishonesty on the part of the debtor. Our interest is to be valued by what we have received for the past six years. If we have been considerate and forbearing, we pay the penalty. If we have exacted the uttermost farthing of rent, we shall reap the reward.

After having, as we imagined, finally disposed of all the obsolete questions of the past century by agreeing to the land act of 1864, we have been summoned before a tribunal which is specially instructed to go into these questions. The Royal Commission of 1860 have forcibly characterized such an outrage. *"It could hardly be conceived that, with such views as these, Her Majesty could ever have intended to transfer to the Local Government a power, the exercise of which would have been in derogation of the faith and honor of the Crown."*

*"If it were possible that any country could be found, where, after a century, the possession of property could be disturbed for the non-performance of an absurd condition in the original grants, * * * that country would cease to be regarded among the civilized communities of the world."*

My father, holding under a grant from the Crown, and relying on the good faith of the British Government, gave up a large sum of money due as arrears of rent, in order to quiet his title. Having by the present act been robbed of the price of that concession, and deprived of my property, I respectfully submit that the Home Government is in honour bound to reimburse me, if not for my property which has been sacrificed, at least for the large sum which was so fruitlessly surrendered by my father in 1864.

No statesman who does not willingly shut his eyes to "the signs of the times," can be blind to the fact that landowners of P. E. Island are not the only persons who are destined to suffer from this piece of legislation. The Irish Tenants Compensation Act was a fire-brand cast among us that kindled an agitation which has resulted in the present act of spoliation. The Land Purchase Commission has acted in the same spirit in which the Irish Encumbered Estate Act was carried out,—as if a rackrent system and a starving tenantry existed here, instead of the most prosperous body of yeomanry in the world, with farms practically freehold except in being subject to a nominal rent charge of 5d. to 9d. per acre.

An able ecclesiastic, whose thorough mastery of colonial questions is not unknown to the Colonial Office, has recently laid down a great truth, which, in connection with this Land Purchase Act and the spoliation of our property, may well afford materials for very serious reflection to the landowners and the privileged classes of England, viz., that *"no one could have observed the course of the last thirty years without being fully convinced that the colonies are assimilating the Mother*

Country to themselves, instead of the colonies being assimilated to the Mother Country."

Imagine the result of Great Britain being "assimilated to the colonies" in the matter of this Land Commission, and the same amount of justice being meted out to the landowners there, which has been doled out to us in this country. Let us suppose the working-classes to have secured the franchise, and the House of Commons to have avowedly become their mouth-piece, instead of representing the property and intelligence of the country. Imagine politicians buying support by preaching, year after year, a crusade against property and denouncing all privileged classes, because millions of acres are kept locked up, and red deer and grouse are pampered and prized, while the bone and sinew of the country are driven away to the uttermost ends of the earth for a home. Imagine such a commission authorized to confiscate all properties exceeding 1,000 acres, and all estates of more than 500 acres held by tenants. Imagine landowners being even denied a hearing when they wish to urge objections against the appointment of such a commission, and their suddenly finding themselves summoned before an inquisitorial court, and forced to submit their titles, accounts, &c., to it, under a penalty of imprisonment. Imagine the value of estates being depreciated by the argument that, as they have become valuable by labour, labour has the best title to the land.

Communism, which has no palliation or excuse here, may find many plausible pleas for confiscation in England. Under these circumstances, I would respectfully urge that the Crown should do nothing to countenance or justify this act which may hereafter raise it into a precedent. But to do so

in this case would be a grievous breach of good faith on the part of the Crown. Your Lordship has traced the origin of all these troubles to the blunders of the Colonial Office a hundred years ago. The Royal Commission in 1860 felt so strongly on the subject that they urged, as some compensation to the people of the Island and to the landowners, that the Imperial Government should give a guarantee for £100,000 to buy out the estates of the Prince Edward Island proprietors. The suggestion was declined, and we were made the scapegoats. In order to buy peace, we remitted thousands of pounds of arrears, and agreed, for ten years, to sell our farms at fifteen years purchase. The assent by Lord Dufferin to the present act, in spite of that compact, and with a haste which was a violation of all precedent, has thrown responsibilities on the Imperial Government which, I feel assured, they will not again refuse to recognize.

A pure technicality, of a most transparent character, has been urged here as a bar to any claims on our part against the Crown. Hitherto the Crown has been the safety of British subjects throughout the world against oppression, as unjust laws can be nullified by the refusal of the Royal assent. It has been suddenly discovered that by the British North American Act our local statutes are subject to the approval of the Governor General, "in council," and that the addition of those words has deprived us of the protection of the Crown, and Her Majesty of her veto upon our acts, and of her sovereignty over us, which has practically been transferred to the Earl of Dufferin. Such a technicality is as unfounded as it is discreditable, and were Her Majesty's government to

adopt it, the last end of Imperial rule in this Island would even be worse than the first.

Such a construction of the act never was dreamed of by the loyal people of the New Dominion.

If, however, there has been an oversight in that act, it has been corrected ! a lucky oversight in the present act. While the appointment of a commissioner is clearly vested in "the Governor General in council," there is a provision in sections II, V, and VII, for "the assent of the Governor General," *i. e.* of Her Majesty's representative. If the assent has been given by him "*in council*," *i. e.* merely as the mouth-piece of the Canadian Cabinet, and not as the Queen's representative, the assent is invalid, and the proceedings under the act could be annulled. I feel fully assured that Her Gracious Majesty, even if such a technicality were at hand, would never consent to avail herself of it, and to surrender her sovereignty over the people of this Island, not as a concession of freedom to colonists, but as a mode of evading the obligations and responsibilities of the Crown.

Under these circumstances, I respectfully beg leave to urge either that Her Majesty should refuse her assent to this act, and should thereby annul all proceedings under it, or else that the British government should consider the subject of compensating the proprietors for the loss of their arrears of rent in 1864, and the confiscation of the property under the Land Purchase Act of 1875.

I need not apologize to your Lordship for writing so plainly and so strongly of this first attempt at communism and its results, for I am persuaded that, as a member of a Conservative Cabinet, Your Lordship, when

fully aware of the facts of the case, will most cordially sympathize with my views.

I have the honor to be,

My Lord,

Your Lordship's most obedient humble servant,

JAMES F. MONTGOMERY.

CHARLOTTETOWN, PRINCE EDWARD ISLAND,

September 28th, 1875.

P. S. The following is an abstract of the awards which so far have been made. The leasehold interest in many of our properties has been sold at from twenty to forty dollars per acre, while the freehold interest of the proprietor has been valued by the Commission at an average of \$1.63.

NAME OF PROPRIETOR.	ACRES LEASED.	ACRES UNLEASED	TOTAL.	PRICE AWARDED	PRICE PER ACRE.
Wm. Cundall, . .	2,844		2,844	\$ 9,200	\$3.23
Miss Cundall, . .	1,455		1,455	4,450	3.06
Miss Sullivan, . .	44,387	21,602	65,989	81,500	1.23
R. B. Stewart, . .	38,018	28,674	66,692	76,500	1.14
Sir G. Montgomery,	5,610		5,610	12,400	2.21
Ponsonby Fane, . .	8,653	5,847	14,500	21,200	1.46
Lord Melville, . .	11,310	300	11,610	34,000	2.92
J. F. Montgomery, .	5,512		5,512	15,200	2.75
Col. Cumberland . .	6,216		6,216	31,900	5.13
Miss Fanning . .	7,271		7,271	20,200	2.77
	131,276	56,423	187,699	\$306,550	

Average per acre, \$1.63.

